

Senate File 386 - Introduced

SENATE FILE 386
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 17)

A BILL FOR

1 An Act prohibiting a court from ordering payment of a
2 postsecondary education subsidy for a child under a
3 dissolution of marriage temporary order or final judgment or
4 decree, and providing for application to existing orders,
5 judgments, and decrees.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 252D.16, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. *“Support”* or *“support payments”* means any amount which
4 the court or administrative agency may require a person to pay
5 for the benefit of a child under a temporary order or a final
6 judgment or decree entered under [chapter 232, 234, 252A, 252C,](#)
7 [252F, 252H, 598, 600B,](#) or any other comparable chapter, and may
8 include child support, maintenance, medical support as defined
9 in [chapter 252E,](#) spousal support, and any other term used to
10 describe these obligations. These obligations may include
11 support for a child of any age who is dependent on the parties
12 to the dissolution proceedings because of physical or mental
13 disability. The obligations may include support for a child
14 eighteen or more years of age with respect to whom a child
15 support order has been issued pursuant to the laws of another
16 state or foreign country. ~~These obligations shall not include~~
17 ~~amounts for a postsecondary education subsidy as defined in~~
18 ~~[section 598.1.](#)~~

19 Sec. 2. Section 598.1, subsection 8, Code 2023, is amended
20 to read as follows:

21 8. *“Postsecondary education subsidy”* means an amount ~~which~~
22 ~~either of the parties may be required to pay under a temporary~~
23 ~~order or final judgment or decree~~ for educational expenses of
24 a child who is between the ages of eighteen and twenty-two
25 years if the child is regularly attending a course of career
26 and technical training either as a part of a regular school
27 program or under special arrangements adapted to the individual
28 person’s needs; or is, in good faith, a full-time student in a
29 college, university, or community college; or has been accepted
30 for admission to a college, university, or community college
31 and the next regular term has not yet begun.

32 Sec. 3. Section 598.21F, Code 2023, is amended by striking
33 the section and inserting in lieu thereof the following:

34 **598.21F Postsecondary education subsidy.**

35 The court shall not order either of the parties to pay a

1 postsecondary education subsidy under a temporary order or
2 final judgment or decree.

3 Sec. 4. Section 600.11, subsection 2, paragraph a,
4 subparagraph (6), Code 2023, is amended to read as follows:

5 (6) A person who is ordered to pay support ~~or a~~
6 ~~postsecondary education subsidy~~ pursuant to ~~section 598.21F~~, or
7 ~~chapter 234, 252A, 252C, 252F, 598, 600B~~, or any other chapter
8 of the Code, for a person eighteen years of age or older who is
9 being adopted by a stepparent, and the support order or order
10 requires payment of support ~~or postsecondary education subsidy~~
11 for any period of time after the child reaches eighteen years
12 of age.

13 Sec. 5. Section 714I.4, subsection 3, paragraph a,
14 subparagraph (1), Code 2023, is amended to read as follows:

15 (1) If the health care professional used the health care
16 professional's own human reproductive material for assisted
17 reproduction in violation of ~~section 714I.3, subsection 2~~,
18 the health care professional is determined through blood or
19 genetic testing to be a biological parent as defined in section
20 600A.2 of the child, and the action is brought within the time
21 limitations specified in ~~section 614.8~~, damages in an amount
22 that is the sum of all of the following:

23 (a) The basic support obligation prescribed by the child
24 support guidelines established pursuant to ~~section 598.21B~~
25 based on the health care professional's monthly adjusted net
26 income for the time period specified for support for a child
27 under ~~section 598.1, subsection 9~~.

28 (b) Medical support as defined in ~~section 252E.1~~.

29 ~~(c) A postsecondary education subsidy as defined in section~~
30 ~~598.1.~~

31 ~~(d)~~ (c) Such other sums as described in section 252A.3,
32 subsection 12, giving due regard to the circumstances of the
33 plaintiff.

34 Sec. 6. APPLICABILITY. This Act applies to a support order,
35 decree, or judgment entered or pending on or after July 1,

1 2023. This Act shall not be the basis for modification of an
2 order, decree, or judgment entered before July 1, 2023, that
3 provides for a postsecondary education subsidy.

4

EXPLANATION

5

The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

6

7 This bill eliminates the current option for a court to order
8 a postsecondary education subsidy and instead prohibits a
9 court from ordering the payment of a postsecondary education
10 subsidy by parties to a dissolution of marriage. The bill also
11 provides that the bill applies to a support order, decree, or
12 judgment entered or pending on or after July 1, 2023, and that
13 the bill shall not be the basis for modification of an order,
14 decree, or judgment entered before July 1, 2023, that provides
15 for a postsecondary education subsidy.